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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/764,521	01/18/2001	Raja Daoud	10002667-1	6409

7590

01/23/2006

HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
P.O. Box 272400  
Fort Collins, CO 80527-2400

EXAMINER

BASOM, BLAINE T

ART UNIT	PAPER NUMBER
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2173

DATE MAILED: 01/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

09/764,521

Applicant(s)

DAOUD ET AL.

Examiner

Blaine Basom

Art Unit

2173

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 27 December 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: NONE.  
Claim(s) objected to: NONE.  
Claim(s) rejected: 1,2,4-14 and 16-21.  
Claim(s) withdrawn from consideration: NONE.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

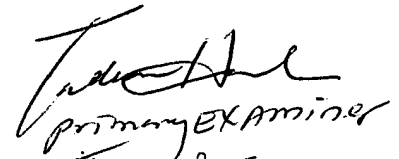
11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

Continuation of 3. NOTE: The pending independent claims, as amended by the proposed amendments, express assigning a user patience level to a user in response to abort times and abort frequencies of Internet queries, and also express optimizing a computing session for the user, including abort times and abort frequencies. Such features have not explicitly been recited or suggested by any previous version of any claim, and therefore require further search and consideration. The Applicants assert that no further search is necessary, because the amendments to claim 1, for example, are based on limitations that existed in a previous version of Applicants' claim 3. The Examiner respectfully disagrees. While it is true that claim 3 of the amendments filed 1/7/2004 does express assigning a user patience level in response to monitoring user abort times and abort frequencies, the claim fails to express that such user abort times and abort frequencies are "of Internet queries," as is currently expressed in amended claim 1. In fact, no previous version of any claim expresses assigning a user patience level for a particular user in response to abort times and abort frequencies of Internet queries, as is expressed in the proposed amendment for the independent claims. Accordingly, further search and consideration is required for this limitation. Moreover, the proposed amendment to the "optimizing" step of claim 1 introduces language that was not previously incorporated with the optimizing step. Accordingly, further search and consideration is required for this amended feature.

Continuation of 11. does NOT place the application in condition for allowance because: The Examiner maintains that Killian (U.S. Patent No. 6,438,592) and Adar (U.S. Patent No. 6,470,269) teach the features of the claimed invention. The Applicants argue that, even if the proposed amendments are not entered, the claims still overcome Killian and Adar. The Examiner respectfully disagrees. The Applicants assert that Killian does not teach the assignment of a user patience level for a particular user. The Examiner agrees, but notes that Adar teaches such an assignment of a user patience level, as is described in the previous Office Action. The Examiner thus concludes that the combination of Killian and Adar teaches assigning a user patience level for a particular user. The Applicants also assert that it would not have been obvious to combine Killian's page-centric system with Adar's group-centric methods, and to reconfigure all of Killian's and Adar's teachings for user-centric operation. In response, the Examiner notes Killian's teachings are not entirely page-centric, but are also user-centric, with various attributes assigned to each user. More importantly, the Examiner notes that the proposed combination of Killian and Adar does not necessitate reconfiguring all of Killian's and Adar's teachings for user-centric operation. Rather, the proposed combination merely requires that Killian's system also involve assigning a confidence level, i.e. a patience level, for each user, as is taught by Adar. The Examiner therefore maintains that it would have been obvious to combine Killian and Adar, because such a confidence level may be used to increase advertising revenue, as taught by Adar.

Regarding claim 21, the Applicants argue that Adar does not disclose the identification of a user purpose based on monitored times between a user's Internet queries, as recited in claim 21. The Examiner agrees, but notes that Killian teaches such a feature, as described in the previous Office Action. Accordingly, the Examiner maintains that Killian and Adar, as combined, teach the features of claim 21.

The Applicants' arguments have thus been considered, but are not persuasive.

  
primary EXAMINER  
Jan 18, 06